

HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 662 (S/S) of 2005

Onkar Nath Johar
Aged about 46 years,
son of Sri Madari Lal,
Assistant Teacher (English),
Rajkiya Uchchatar Madhyamik
Vidyalaya, Bhita Kot Khal,
Almora, Uttaranchal,
permanent address-
resident of Village-Sahadat Nagar,
P.O.-Todarpur (RS),
District- Hardoi, U.P.

.....Petitioner

Versus

1. Principal Secretary, Education Department
(Secondary), Civil Secretariat, Dehradun,
Uttaranchal.
2. Director, Secondary Education, Dehradun,
Uttaranchal.
3. Joint Director, (Education), Kamayu Mandal,
Nainital, Uttaranchal.
4. District Education Officer, Almora, District
Inspector of School, Almora, Uttaranchal.
5. Principal, Government Inter College Manila,
Almora.
6. Principal Rajkiya Uchchatar Madhyamik
Vidyalaya, Bhita Kot Khal, Almora,
Uttaranchal.

.....Opposites Parties.

Hon'ble M.M. Ghildiyal, J

Heard Sri Ashok Kumar Balediha, learned
counsel for the petitioner and learned Standing
Counsel, who has accepted notice on behalf of
respondents.

Learned counsel for both the parties are agreed to decide the writ petition at its admission stage itself.

By means of this writ petition, the petitioner has prayed to issue a writ in the nature of Mandamus commanding the opposite parties to permit him to join his duties at Rajkiya Uchchatar Madhyamik Vidyalaya, Bhita Kot Khal, Almora and pay the salary to him with effect from June, 2002 to till date after granting medical leave for the period during which he was on medical leave.

Learned counsel for the petitioner has submitted that petitioner was appointed as Assistant Teacher LT Grade (English) in the year 1995 and posted at Rajkiya Uchchatar Madhyamik Vidyalaya, Bhita Kot Khal, Almora. During the Board Examination, the petitioner was directed to perform the duty of Invigilator in Government Inter College (GIC), Manila, Almora and consequently, the petitioner was relieved from Rajkiya Uchchatar Madhyamik Vidyalaya, Bhita Kot Khal, Almora on 15.03.2002. Suddenly, on 11.04.2002, petitioner felt ill and information of his illness was sent on 12.04.2002 to Principal, GIC, Manila.

After recovering from his illness Principal, GIC, Manila, Almora relieved the petitioner on 03.12.2002 to join his duties at Rajkiya Uchchatar Madhyamik Vidyalaya, Bhita Kot Khal, Almora. However, the Principal, Rajkiya Uchchatar Madhyamik Vidyalaya, Bhita Kot Khal, Almora did not permit the petitioner to join his duty. Since then, he is not being permitted by the

Principal, Rajkiya Uchchatar Madhyamik Vidyalaya, Bhita Kot Khal, Almora to join his duties at Bhita Kot Khal.

The petitioner has also moved application to District Education Officer, Almora, Uttaranchal to direct the Principal Rajkiya Uchchatar Madhyamik Vidyalaya, Bhita Kot Khal, Almora to permit him to join his duties as Assistant Teacher, however, no action has been taken by the respondents.

Petitioner has submitted his last representation on 12.01.2005 before District Education Officer, which is Annexure No. 23 to the writ petition. During the course of argument, learned counsel for the petitioner has confined his prayer to direct the District Education Officer, Almora to decide the representation of the petitioner at the earliest. In view of the above circumstances, it will be in the interest of justice that the respondents be directed to decide the representation of the petitioner.

District Education Officer, Almora is directed to decide the representation dated 05.01.2005 (Annexure No. 23 to the writ petition) within a period of one month from the date of production of certified copy of this order.

With this direction the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

May 25, 2005
SKSharma

